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May 12, 1998

Mr. John J. Martin  
EPA On-Scene Coordinator  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Re: Removal of Asbestos - EPA Superfund (site #1709)

Dear Mr. Martin:

In furtherance of your letter of March 12, 1998, advising that EPA is not in a position to provide any hold harmless or indemnification against liability claims alleged to have arisen from abatement work by EPA, we have discussed this matter further with our client, Catholic Charities of the Archdiocese of New Orleans, and are now authorized to grant permission for inspection and testing to proceed.

After further review of the matter, we have determined that we will grant permission for EPA and its contractors to have access to the Hope Haven Center site for purposes of extracting samples of materials and testing and analyzing same for the presence of asbestos containing materials. However, at this time my client would grant permission only for the entry upon its property for purposes of extraction of samples of material and analysis to determine the presence of asbestos containing material and the extent thereof. If, of course, the tests reveal that there is no such material, then the question of the timing and method of removal becomes moot. On the other hand, if there is asbestos containing material on the site, prior to the granting of permission to EPA and its contractors for the removal thereof, we would wish to have an understanding with respect to the timing of the project of removal and replacement of material. That is, we would wish to have some agreement as to the date of commencement, the length of time within which the project would take to complete, and the method of removal, including ingress, egress, enclosure of the construction site, etc.

We feel that this information is essential because Hope Haven Center is a private residential facility for adolescent boys and girls who have been placed by the state of Louisiana through its juvenile courts and/or The State Departments of Social Services and Corrections. A large percentage of the residents of the facility are placed there because they have been adjudged to be



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either abandoned, delinquent, or involved in some type of criminal activity as a juvenile. The facility is, however, not a maximum security facility, and the residents are allowed to recreate and have other activities on the grounds of the center under supervision by staff of the facility. There is also a considerable number of persons who are visiting the site for various purposes on a daily basis. Therefore, there may be a concentration of persons close to the immediate area where these asbestos containing materials are to be removed, and we are concerned that they may be subject to exposure to significant fiber release that may be occasioned through EPA's operations, particularly the removal of such materials, if not properly handled. Likewise, we are concerned over the possibility of ACM material released into the atmosphere finding its way into either the air-handling equipment of the buildings or the building themselves, unless properly protected against such intrusion of ACM fibers. It is therefore necessary that the staff and management of the facility have adequate notice for advance planning with respect to securing not only the building, but the safety of its residents against a potential fiber release during the course of removal of this material. The timing thereof and the duration of such construction is therefore crucial to how this can be best achieved.

We realize that we cannot be informed as to these particulars of the construction phase of this project until such time as there has been an evaluation of the material on the site, not only as to the existence of ACM, but also the location and quantity thereof in terms of cubic feet of material to be removed, and a determination of the method of removal and replacement thereof with other types of similar suitable material.

Therefore, after you have conducted your preliminary investigation and we are informed as to the nature and extent of such ACM on the site, and given specific information as to the particulars above set forth, we would then be in a position to execute a further authorization for the second phase of this project, which would be the actual removal of said material and replacement thereof with suitable material.

Very truly yours,

**DENECHAUD & DENECHAUD**

  
Thomas A. Rayer

TAR/vfg

cc: Mr. Robert J. Guasco, BCSW, MHA